

**REGULAR CITY COUNCIL
REDEVELOPMENT AGENCY
PUBLIC FINANCING AUTHORITY MINUTES
CITY OF IMPERIAL BEACH
March 2, 2005
CLOSED SESSION MEETING – 5:00 P.M.
REGULAR MEETING – 6:00 P.M.
CITY COUNCIL CHAMBERS
825 Imperial Beach Boulevard
Imperial Beach, California**

CALL TO ORDER

MAYOR ROSE called the Closed Session meeting to order at 5:10 p.m.

ROLL CALL

Councilmembers present:	McCoy, Winter, McLean
Councilmembers absent:	None
Mayor present:	Rose
Mayor Pro Tem present:	Janney

Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald
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CLOSED SESSION

MOTION BY ROSE, SECOND BY WINTER, TO ADJOURN TO CLOSED SESSION UNDER:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957
Title: City Manager

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION.

Pursuant to Government Code Section 54956.9(a):
Names of Cases:
Donna Warfe v. City of Imperial Beach; Case Number GIS 13413
Suyat v. City of I.B., San Diego Superior Court No. GIC 831429

MOTION CARRIED UNANIMOUSLY.

MAYOR ROSE adjourned the meeting to Closed Session at 5:11 p.m. and she reconvened the meeting to Open Session at 6:10 p.m. Reporting out of Closed Session, MAYOR ROSE announced Council met earlier in Closed Session and she had nothing to report.

ROLL CALL

Councilmembers present:	McCoy, Winter, McLean
Councilmembers absent:	None
Mayor present:	Rose
Mayor Pro Tem present:	Janney
Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald

AGENDA CHANGES

MAYOR ROSE recommended that the Fee study be opened and continued to March 14, 2005 and Item No. 4.1 would also be continued; in addition she recommended Item No. 2.3 be pulled from tonight's consent calendar and continued to March 14, 2005 as it deserved discussion.

MAYOR PRO TEM JANNEY recommended Item No. 7.2 be moved up in the agenda, to be discussed after Consent Calendar.

CITY ATTORNEY LOUGH recommended that the items being continued to March 14, 2005 be continued to an adjourned regular meeting.

CONSENSUS OF COUNCIL TO REMOVE ITEM NO. 2.3 FROM THE CONSENT CALENDAR FOR DISCUSSION AT THE ADJOURNED REGULAR MEETING OF MARCH 14, 2005.

MOTION BY ROSE, SECOND BY MCLEAN, TO TAKE ITEM NO. 6.5 – FEE STUDY REVIEW AND ADOPTION OF CITYWIDE USER FEE MASTER SCHEDULE RESOLUTION NO. 2005-6088 AT THIS TIME. MOTION CARRIED UNANIMOUSLY.

6.5 FEE STUDY REVIEW AND ADOPTION OF CITYWIDE USER FEE MASTER SCHEDULE RESOLUTION NO. 2005-6088. (0390-60)

MAYOR ROSE declared the public hearing open.

CITY CLERK HALD announced no speaker slips were submitted.

MOTION BY ROSE, SECOND BY MCLEAN, TO CONTINUE THE PUBLIC HEARING TO AN ADJOURNED REGULAR MEETING ON MARCH 14, 2005 AT 6:00 P.M. MOTION CARRIED UNANIMOUSLY.

MOTION BY ROSE, SECOND BY JANNEY, TO TAKE ITEM NO. 7.2 – RESOLUTION R-05-64 AWARDED A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – RDA/CIP STREET IMPROVEMENTS – PHASE 1 (CIP# S04-105) IMMEDIATELY AFTER THE CONSENT CALENDAR. MOTION CARRIED UNANIMOUSLY.

MAYOR/COUNCIL ANNOUNCEMENTS

COUNCILMEMBER MCCOY spoke about adopting a Proclamation for National Tissue and Donor month in April.

MAYOR ROSE congratulated Councilmember McCoy for being appointed as the Chair of the Borders Committee at SANDAG.

COUNCILMEMBER MCLEAN spoke about the Mission Bell marker.

MAYOR ROSE attended the Good Neighbor Environmental Board recently held in Eagle Pass, Texas; she announced that the Girls Softball League will start this Saturday and the Little League will open Saturday, March 12, 2005; the Mayor of Tijuana will visit I.B. tomorrow and meet with the Management Authority of the Estuary to discuss mutual issues.

COMMUNICATIONS FROM CITY STAFF

COMMUNITY DEVELOPMENT DIRECTOR WADE announced that Aaron Goodman had been hired as the Building Official.

PUBLIC COMMENT

ART ZAMISCH referenced the General Plan/Coastal Plan where the City should consider returning the existing 80-foot street rights-of-way back to the property owners, and he distributed to Council a copy of Table C-4 from the City's Municipal Code; he stated that giving owners back their property would mean more property tax for the City and it would be a win-win situation.

MAYOR ROSE referred his comments to the City Manager.

MICHEL DEDINA referenced an editorial in the San Diego Union-Tribune; he spoke about the need for a swimming pool in the City of Imperial Beach. He spoke of possible location, such as Otay Regional Park, Mar Vista High School, and Camp Surf.

COUNCILMEMBER MCCOY responded that a recent article in the Coronado Eagle and Times stated that Coronado high schools are having funding issues.

GLENDIA GLASS also spoke about the need for swimming pool in I.B.

PRESENTATIONS/PROCLAMATIONS (1)

None.

CONSENT CALENDAR (2.1-2.7)

Item 2.3 was continued to the adjourned regular meeting of March 14, 2005 by prior Council action.

In regard to Item No. 2.6, COUNCILMEMBER MCCOY commented on the low number of funds that the City is getting from the Department of Homeland Security; she expressed concern about the lack of protective gear and potassium iodide tablets.

COUNCILMEMBER WINTER stated that at a previous meeting, she had requested that a letter be sent to Congresswoman Susan Davis for additional funding.

MOTION BY ROSE, SECOND BY WINTER, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.2 AND ITEM NOS. 2.5 THRU 2.7. MOTION CARRIED UNANIMOUSLY.

2.1 MINUTES.

Approved the minutes of the Special and Regular Meeting of January 19, 2005, Special Meetings of January 24, 28, and 29, 2005 and the Regular Meeting of February 2, 2005.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified Accounts Payable Numbers 58743 through 58862 for the period ending 02/17/05 and Payroll Register Numbers 35127 through 35182 for the period ending 02/03/05 in the amount of \$990,402.03.

2.4 NO ITEM.

2.5 A RESOLUTION OF THE CITY COUNCIL OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE EXPENDITURE PLAN FOR THE FY 2004-2005 SUPPLEMENTAL LAW ENFORCEMENT STATE FUNDING (SLESF) GRANT ALSO KNOWN AS THE COPS GRANT. (0260-15, 0390-86)

1. Received report; and
2. Adopted Resolution No. 2005-6112 approving the proposed expenditure plan of SLESF (COPS) grant funds for FY 2004-05.

2.6 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, ACCEPTING FISCAL YEAR 2003-II AND FISCAL YEAR 2004 DEPARTMENT OF HOMELAND SECURITY URBAN AREA SECURITY INITIATIVE (UASI) GRANT PROGRAM AWARDS AND EXPENDITURE PLAN AMENDING YEAR "TWO" OF FISCAL YEAR 2003/2005 BUDGET BEGINNING JULY 1, 2003 AND ENDING JUNE 30, 2005 (BA #2005-6111). (0210-35, 0390-88)

1. Received report; and
2. Approved Resolution No. 2005-6111, amending year "two" of Fiscal Year 2003/2005 Budget beginning July 1, 2003 and ending June 30, 2005 for grants for \$15,874 and \$10,559 from the Department of Homeland Security (DHS) Urban Area Security Initiative (UASI) Grants.

2.7 QUARTERLY INVESTMENT REPORT FOR DECEMBER 31, 2004. (0350-90)

Received and filed the Quarterly Investment Report for the quarter ending December 31, 2004.

REPORTS (7.2)

7.2 RESOLUTION R-05-64 AWARDED A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – RDA/CIP STREET IMPROVEMENTS – PHASE 1 (CIP# S04-105). (0720-25)

CITY MANAGER BROWN introduced the item and stated a revised staff report was submitted as last minute agenda information.

CITY ATTORNEY LOUGH said the withdrawal of the bidder was due to a clerical error on the bidder's part; he reviewed the withdrawal procedures, and he recommended that the Council adopt the resolution as submitted with the revised staff report.

MOTION BY ROSE, SECOND BY MCLEAN, TO ADOPT RESOLUTION NO. R-05-64. MOTION CARRIED UNANIMOUSLY.

ORDINANCES - INTRODUCTION/FIRST READING/PUBLIC HEARING (3.1)

3.1 PROPOSED CONDOMINIUM CONVERSION ORDINANCE NO. 2005-1023 (MCA 04-01). MF 692. (0660-17)

MAYOR ROSE declared the public hearing open.

CITY MANAGER BROWN introduced the item.

CITY PLANNER NAKAGAWA gave a PowerPoint presentation on the item; and he announced that additional comments were submitted as last minute agenda information.

Discussion ensued regarding noticing and relocation assistance.

COMMUNITY DEVELOPMENT DIRECTOR WADE stated the relocation assistance benefit should go to residents who resided at the apartment before the 60-day notice to convert and stayed until the 60-day notice to vacate, and that the assistance should not go to the tenant who vacated immediately upon receiving the notice to convert.

MAYOR ROSE stated she wanted clarification from the developers, as she did not get the impression that tenants had to stay through both periods.

COMMUNITY DEVELOPMENT DIRECTOR WADE expressed concern that the benefit would otherwise go to tenants who had been living there for one month.

ASSISTANT PLANNER NAKAGAWA said that developers High Tide Development and Joseph Scarlotti had indicated they wanted to provide benefits to tenants who had stayed until the notice to vacate.

RICHARD SPEARE, ESQ. referred to the October 20, 2004 staff report; he stated that many property owners want to convert units to condos in the future, but not for immediate sale; he noted that property owners want to keep their tenants and he preferred that the benefit go to those who stayed throughout both periods; he cited the City's Municipal Code Section 18.84.070 and he expressed concern about the catchall phrase regarding improvements to

property; he said as long as the property was built to code at the time, it could be converted, however, the language in the municipal code could be interpreted to mean the property has been downzoned.

CITY ATTORNEY LOUGH responded that the language in the code was consistent with state law.

COMMUNITY DEVELOPMENT DIRECTOR WADE submitted clarifying language as last minute agenda information to address that concern.

BOB WADHAM thanked staff for their hard work on the ordinance; he expressed concern for those who would have to relocate; he stated he submitted an email as last minute agenda information.

ARLEN SHIRE submitted a letter as to Council for the record; he stated that a majority that rent cannot afford to purchase condos; he questioned where the low income people would live and he stated that students' education is disrupted when they are forced to move; he encouraged 3-month rental benefit to tenants as one month's rent doesn't help; he also wanted a moratorium on condo conversions to preserve affordable rental apartments.

CITY ATTORNEY LOUGH said many of those issues are under the housing element, which would be brought to Council in the near future; the issue of a one-month versus three-month relocation benefit is for discussion tonight, but Council cannot rule on a moratorium.

TRACY MEHKI said that condo conversions are viable solution for homeowners, especially with all of the financing options available.

RON PENNOCK, chairman of an ad hoc committee for El Cajon's condo conversions, said the ordinance addresses major issues; he spoke about having a task force and staff to review issues; he lauded the City's efforts for increasing single-family entry ownership; and he responded to concerns of Council regarding noticing in the City of El Cajon.

MAYOR ROSE thanked staff for their efforts on the ordinance; she asked about the option of installing sprinklers instead of fire-rated walls since sprinklers are a higher standard of fire protection.

PUBLIC SAFETY CHIEF SOTELO responded that the current code does not allow for a substitute.

CITY ATTORNEY LOUGH said that fire-rated walls would also serve as soundproofing mechanisms and that sprinkler costs would be prohibitive; he suggested that Council introduce the ordinance as it is and then direct staff to later bring back language addressing Council's concerns.

COMMUNITY DEVELOPMENT DIRECTOR WADE stated that sprinklers were not a higher form of suppression, but he said that further code research would need to be done.

COUNCILMEMBER MCCOY encouraged Council to look at the two-month relocation benefit as done in El Cajon; she initially was concerned about failure to have life and safety elements, but she is now pleased with the ordinance.

MAYOR PRO TEM JANNEY questioned the municipal code referenced by Mr. Speare and said that Section 18.84.070(C) is vague.

CITY ATTORNEY LOUGH recommended that language be added that states that "these health and safety issues as currently listed" and "applicable health and safety codes"; he added that the ordinance was not creating additional standards, but returning to the standards that are required; he stated that it is there to address code issues, and it was not intended to give extra discretion.

CITY PLANNER NAKAGAWA stated that the ordinance was modeled after El Cajon's ordinance; he added that if the Building Official were to see an unsafe condition, he should have the authority to get the condition corrected as part of the condo conversion process.

COMMUNITY DEVELOPMENT DIRECTOR WADE stated staff is not suggesting anything beyond what the City's municipal code allows and that the Building Official already has discretion; he added that the intent was to say the Building Official has authority per the municipal code.

CITY ATTORNEY LOUGH recommended adding the language, "as established in applicable adopted uniform codes" to Section 18.84.070(C).

COUNCILMEMBER MCLEAN commended those who worked on the ordinance.

COUNCILMEMBER MCCOY re-stated her desire for a two-month relocation assistance benefit due to the tough economic times.

COUNCILMEMBER WINTER also thanked staff for the work on the ordinance; she said she is a firm supporter of increasing homeownership and she spoke about creative financing options; she commented that I.B. has an abundance of low income housing and she does not believe that the condo conversions are creating a lack of apartment rentals; she also asked Council to consider a two-month relocation benefit.

MAYOR PRO TEM JANNEY expressed the need for tenants to set aside first and last months rent and a security deposit to be able to move, and he felt that a one-month benefit was adequate.

Discussion ensued regarding who would be eligible for the relocation benefit.

MAYOR ROSE expressed concern about those who receive the relocation benefit but do not stay until the end, and she recommended that only tenants who received the notice to vacate should be eligible.

CITY ATTORNEY LOUGH suggested obtaining a letter of credit.

RON PENNOCK of First American Title stated that notice must be given prior to application; and he suggested payment at the 60-day notice to vacate.

COMMUNITY DEVELOPMENT DIRECTOR WADE stated that the notice to vacate would be the simplest way to monitor and ensure that converters are paying out benefits.

In response to Mayor Rose's question of who should receive the benefit, tenants who received the notice to convert or tenants who received the notice to vacate, COUNCILMEMBER WINTER said that tenants who leave after the first notice should not be penalized.

COUNCILMEMBERS MCCOY AND MCLEAN and MAYOR PRO TEM JANNEY agreed that tenants who received the initial notice should receive the relocation assistance.

MAYOR ROSE recommended that a one-month benefit would go to tenants who received a notice of intent to convert and an additional month of relocation assistance would be granted to those tenants who stayed and received a notice to vacate.

COMMUNITY DEVELOPMENT DIRECTOR WADE expressed concern about paying relocation assistance to apartment rentals that submit a notice to convert, but never actually convert to condos; he added that the easiest way to track payment of benefits is with the notice to vacate.

MR. SPEARE supported providing the relocation benefit to those who received both notices.

MOTION BY ROSE, SECOND BY MCCOY, TO CLOSE THE PUBLIC HEARING. MOTION CARRIED UNANIMOUSLY.

MAYOR ROSE AND COUNCILMEMBER WINTER stated that the tentative map should be the trigger for payment of the relocation benefit.

COMMUNITY DEVELOPMENT DIRECTOR WADE confirmed that if the tenant moves before the approval of the tentative map, he or she is not eligible for relocation assistance.

CITY ATTORNEY LOUGH advised to take out the text in Section 18.84.909(C) and replace it with the following wording: "An eligible tenant shall receive the equivalent of one month's rent if they vacate the premises after approval of the tentative map. Eligible tenants who vacate at the time given in the notice of termination of tenancy shall receive the equivalent of two month's rent as relocation assistance."

MAYOR ROSE called for the reading of the title of Ordinance No. 2005-1023.

CITY CLERK HALD read the title of Ordinance No. 2005-1023 – An Ordinance of the City Council of the City of Imperial Beach, California, adding Chapter 18.84 (Condominium conversion procedures and requirements) to the Imperial Beach Municipal Code.

MOTION BY ROSE, SECOND BY JANNEY, TO DISPENSE WITH THE FIRST READING OF ORDINANCE NO. 2005-1023, ADDING CHAPTER 18.84 (CONDOMINIUM CONVERSION PROCEDURES AND REQUIREMENTS) TO THE IMPERIAL BEACH MUNICIPAL CODE. MOTION CARRIED UNANIMOUSLY.

MAYOR ROSE spoke of the benefit that condo conversions would bring to I.B. She called for a recess at 9:10 p.m. and she reconvened the meeting to Open Session at 9:35 p.m.

CONSENSUS OF COUNCIL TO TAKE ITEM NO. 6.4 AND ITEM NO. 7.1 AT THIS TIME AND CONTINUING THEM TO THE ADJOURNED REGULAR MEETING OF MARCH 14, 2005.

PUBLIC HEARINGS (6.4)

6.4 FIVE-YEAR IMPLEMENTATION PLAN ADOPTION, ADOPTION OF REDEVELOPMENT AGENCY RESOLUTION NO. R-05-65. (0640-80)

MAYOR ROSE declared the public hearing open.

CITY MANAGER BROWN introduced the item.

WALTER FREEMAN, representing South Bay Union School District submitted a letter for the record a meeting between the City and Dr. Patrick Pettit, Superintendent.

MOTION BY ROSE, SECOND BY JANNEY, TO CONTINUE THE PUBLIC HEARING TO THE ADJOURNED REGULAR MEETING OF MARCH 14, 2005. MOTION CARRIED UNANIMOUSLY.

REPORTS (7.1)

7.1 FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECTS BUDGET FOR FISCAL YEARS 2004/2005 THROUGH 2008/2009. (0330-35)

MOTION BY ROSE, SECOND BY JANNEY, TO CONTINUE THE REPORT TO THE ADJOURNED REGULAR MEETING OF MARCH 14, 2005. MOTION CARRIED UNANIMOUSLY.

ORDINANCES - SECOND READING & ADOPTION (4.1 - 4.2)

4.1 AN ORDINANCE AMENDING ORDINANCE NO. 92-865 RELATING TO BUSINESS FEE SCHEDULE. (0390-55)

Item was continued to the adjourned regular meeting of March 14, 2005 by prior Council action.

WRITTEN COMMUNICATIONS (5)

None.

PUBLIC HEARINGS (6.1 - 6.5)

6.1 FERAS "RUSTY" BARGHOUT (APPLICANT/PROPERTY OWNER)/NICK ALJABI (ARCHITECT); CONDITIONAL USE PERMIT (CUP 03-03), DESIGN REVIEW (DRC 03-10), SITE PLAN REVIEW (SPR 03-09) FOR A MIXED DEVELOPMENT WITH THREE RETAIL COMMERCIAL SPACES AND FOUR RESIDENTIAL UNITS LOCATED AT 1146 13th STREET, IN THE C-3 (NEIGHBORHOOD COMMERCIAL) ZONE. MF 641. (0600-20)

MAYOR ROSE declared the public hearing open.

CITY MANAGER BROWN introduced the item.

ASSISTANT CITY PLANNER KANANI gave a PowerPoint presentation on the item; she reported that City Planner Nakagawa had drafted an agreement that would allow for the removal of a wall and also allow for the sharing of the parking lot with the adjacent property.

MAYOR PRO TEM JANNEY encouraged staff to monitor the signage for the property.

RUSTY BARGHOUT, applicant, responded to concerns of Council regarding the commercial and residential spaces.

ASSISTANT CITY PLANNER KANANI reported that the Design Review Board's recommendations were not included in the resolution.

CITY CLERK HALD announced no speaker slips were submitted.

MOTION BY ROSE, SECOND BY WINTER, TO CLOSE THE PUBLIC HEARING. MOTION CARRIED UNANIMOUSLY.

MOTION BY ROSE, SECOND BY JANNEY, TO ADOPT RESOLUTION NO. 2005-6114, GRANTING CONDITIONAL APPROVAL OF CONDITIONAL USE PERMIT (CUP 03-03), DESIGN REVIEW (DRC 03-10) AND SITE PLAN REVIEW (SPR 03-09), WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS, AND STATING THE REQUIREMENTS WITH THE ADDED CONDITIONS OF THE DESIGN REVIEW BOARD. MOTION CARRIED UNANIMOUSLY.

6.2 1365 SEACOAST CONDOMINIUMS; TENTATIVE MAP (TM 04-147) AND COASTAL PERMIT (ACP 04-146) FOR THE PROPOSED CONVERSION OF 14 RESIDENTIAL UNITS TO CONDOMINIUM OWNERSHIP AT 1365 SEACOAST DR., IN THE R-1500 (HIGH DENSITY RESIDENTIAL) ZONE. OWNER: TRACY MEHKI, SAND AND SEA CAPITAL, INC./APPLICANT MALCOLM DAVIES, SAND AND SEA CAPITAL, INC. MF 744. (0600-20)

COUNCILMEMBER MCLEAN stated he had a potential conflict of interest on the item as he owns property within 500 feet of the project, and he left Council Chambers at 9:50 p.m.

MAYOR ROSE declared the public open.

CITY MANAGER BROWN introduced the item.

ASSISTANT CITY PLANNER KANANI gave a PowerPoint presentation on the item; she stated that the applicant has proposed one-hour firewalls between the laundry room and building.

TRACY MEHKI, applicant, stated she just learned about the firewalls requirement that will take effect with the new ordinance and she will install a hardwired smoke detector system.

MAYOR ROSE commended Ms. Mehki for installing the hardwired monitors although they are not required.

BOB WADHAM stated this is an older building and he was concerned about fire rating in between floors; he announced that he had submitted an email as last minute agenda information.

MAYOR ROSE responded that the email from Mr. Wadham refers to requirements in an ordinance not yet adopted and, therefore, conditions could not be enforced on this project.

CITY PLANNER NAKAGAWA also responded by saying that the way the floors have been constructed should be adequate for fire protection measures.

MOTION BY ROSE, SECOND BY JANNEY, TO CLOSE THE PUBLIC HEARING. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, WINTER, JANNEY, ROSE
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
DISQUALIFIED:	COUNCILMEMBERS:	MCLEAN (DUE TO POTENTIAL CONFLICTS OF INTEREST)

MOTION BY ROSE, SECOND BY JANNEY, TO ADOPT RESOLUTION NO. 2005-6116, APPROVING THE TENTATIVE MAP (TM 04-147) AND COASTAL PERMIT (ACP 04-146), WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS.

Discussion ensued regarding the premier location of the property and Ms. Mehki's efforts to make the units as luxurious as possible.

VOTES WERE NOW CAST ON THE ORIGINAL MOTION BY ROSE, SECOND BY JANNEY, TO ADOPT RESOLUTION NO. 2005-6116, APPROVING THE TENTATIVE MAP (TM 04-146) AND COASTAL PERMIT (ACP 04-147), WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, WINTER, JANNEY, ROSE
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
DISQUALIFIED:	COUNCILMEMBERS:	MCLEAN (DUE TO POTENTIAL CONFLICTS OF INTEREST)

COUNCILMEMBER MCLEAN returned to Council Chambers at 10:05 p.m.

6.3 THE BREEZES; TENTATIVE MAP (TM 04-123) AND ADMINISTRATIVE COASTAL PERMIT (ACP 04-122) FOR THE PROPOSED CONVERSION OF 12 UNITS TO CONDOMINIUM OWNERSHIP AT 120-126 ELDER AVE., IN THE C-2 (SEACOAST COMMERCIAL) ZONE. OWNER/APPLICANT: ELDER STREET APARTMENTS, LLC. MF 734. (0600-20)

MAYOR PRO TEM JANNEY announced he had a potential conflict of interest on the item as he owns property within 500 feet of the project, and he left Council Chambers at 10:06 p.m.

MAYOR ROSE declared the public hearing open.

CITY MANAGER BROWN introduced the item.

ASSISTANT CITY PLANNER KANANI gave a PowerPoint presentation on the item; she stated the resolution had a typographic error and that there were not 12 residential units being converted, but rather 9 residential and 3 commercial units; she responded to email correspondence submitted by Bob Wadham as last minute agenda information by saying that zoning would preclude that commercial units would remain commercial.

WALID ROMAYA, owner/applicant, distributed pamphlets to Council for the record; he said he wanted Council to be aware that it is a mixed use project.

COUNCILMEMBER WINTER expressed her desire to ensure that the commercial properties remain as visitor serving businesses since they are in the C-2 Zone.

BOB WADHAM welcomed the developer to IB; he expressed concern about changing this from a commercial to a residential project.

COUNCILMEMBER WINTER clarified that nothing was being changed on this project except type of ownership.

Discussion ensued regarding what types of businesses are currently there.

MOTION BY ROSE, SECOND BY WINTER, TO CLOSE THE PUBLIC HEARING. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, WINTER, MCLEAN, ROSE
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
DISQUALIFIED:	COUNCILMEMBERS:	JANNEY (DUE TO POTENTIAL CONFLICTS OF INTEREST)

COUNCILMEMBER WINTER wanted to ensure that anyone who purchases these units is informed by the seller of what businesses can and cannot be operated as she does not want to see a change in zoning; she then asked about regulating individually owned units.

CITY PLANNER NAKAGAWA responded that staff checks new business licenses and staff would determine if the use is allowed or if other permits are required.

MOTION BY ROSE, SECOND BY WINTER, TO ADOPT RESOLUTION NO. 2005-6115, APPROVING THE TENTATIVE MAP (TM 04-123) AND ADMINISTRATIVE COASTAL PERMIT (ACP 04-122), WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, WINTER, MCLEAN, ROSE
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
DISQUALIFIED:	COUNCILMEMBERS:	JANNEY (DUE TO POTENTIAL CONFLICTS OF INTEREST)

MAYOR PRO TEM JANNEY returned to Council Chambers at 10:30 p.m.

REPORTS (7.3 - 7.4)

7.3 PALM AVENUE BIKEWAY PLAN REVIEW. (0680-20)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a background on the item; he stated he would provide information regarding street widths and remaining bikeway patterns in an FYI.

MAYOR ROSE supported the item but wanted to see 7th Street from the bay to Palm Avenue included as well.

MOTION BY ROSE, SECOND BY WINTER, TO AUTHORIZE THE CITY MANAGER TO ACQUIRE A PROFESSIONAL SERVICES AGREEMENT TO STUDY AND REPORT ON A POSSIBLE ALTERNATIVE BIKEWAY ROUTE ALONG PALM AVENUE BETWEEN 3rd AND 7th STREETS WITH THE ADDITION OF 7th STREET FROM THE BAY TO PALM AVENUE. MOTION CARRIED UNANIMOUSLY.

7.4 SEWAGE ISSUE STRATEGY/SECONDARY TREATMENT STATUS. (0620-75)

CITY MANAGER BROWN had nothing to report.

COUNCILMEMBER WINTER stated that she has been getting numerous calls regarding the letter the City sent in response to the draft SEIS.

REPORTS OF MAYOR AND COUNCILMEMBERS

COUNCILMEMBER MCCOY requested a resolution be presented at the next meeting on March 14, 2005 regarding HR 418; she would like the issue of the fence to go through the full committee process and not get fast tracked.

COUNCILMEMBER WINTER urged Council and staff to hear about fiscal reform issue at the next League of California Cities luncheon.

The meeting adjourned at 10:50 p.m.

Diane Rose, Mayor

Attest:
Jacqueline M. Hald
City Clerk